

1 DANIEL J. BERGESON, Bar No. 105439
dbergeson@be-law.com
2 JOHN W. FOWLER, Bar No. 037463
jfowler@be-law.com
3 MELINDA M. MORTON, Bar No. 209373
mmorton@be-law.com
4 BERGESON, LLP
303 Almaden Boulevard, Suite 500
5 San Jose, CA 95110-2712
Telephone: (408) 291-6200
6 Facsimile: (408) 297-6000

7 Attorneys for Plaintiff
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 || VERIGY US, INC, a Delaware Corporation.

Case No. C07 04330 RMW (HRL)

Plaintiff,

14 || VS.

15 ROMI OMAR MAYDER, an individual;
16 WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation,
and SILICON TEST SOLUTIONS, LLC, a
17 California Limited Liability Corporation,
inclusive,

**DECLARATION OF MELINDA MORTON
IN SUPPORT OF VERIGY'S MOTION TO
SHORTEN TIME FOR IT'S MOTION FOR
PROTECTIVE ORDER RELIEVING
VERIGY OF DUTY TO RESPOND TO
SECOND SET OF REQUESTS FOR
ADMISSION PROPOUNDED BY
DEFENDANTS**

Courtroom: 2
Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007
Trial Date: None Set

1 1. I am an attorney licensed to practice law before all of the courts of the State of
 2 California. I am a partner in the law firm of Bergeson, LLP, counsel of record for plaintiff Verigy
 3 US, Inc. ("Verigy") in the above-captioned action. I have personal knowledge of the facts set
 4 forth in this declaration, and, if called to do so, I could and would competently testify thereto.

5 2. I submit this declaration in support of Verigy's motion to shorten time for its
 6 motion for a protective order relieving Verigy of the obligation to respond to the second set of
 7 requests for admission propounded by defendants.

8 3. Verigy's response to the Second Set of Requests is due on June 10, 2008, and
 9 Defendants' counsel has refused to grant an extension so that the matter may be resolved without
 10 shortening time.

11 4. Defendants currently have a motion to compel their second set of document
 12 requests set for June 10, 2008, at the same time sought in this motion to compel. Defendants'
 13 motion to compel concerns many of the same issues, as both the Second Set of Requests and the
 14 second set of document requests relate to trade secrets contained in Verigy's initial trade secret
 15 disclosure, which was withdrawn and replaced by an amended trade secret disclosure on April 18,
 16 2008.

17 5. On May 13, 2008, I met and conferred by telephone with Kevin Pasquinelli, counsel
 18 for defendants Romi Mayder, Silicon Test Systems, Inc., and Silicon Test Solutions, LLC.,
 19 regarding this issue. I requested that defendants stipulate to the shortened time as described
 20 above, or that Defendants extend the deadline for the Second Set of Admissions. Mr. Pasquinelli
 21 refused to stipulate.

22 6. Mr. Wesley Mayder has new counsel who has recently substituted for Mount &
 23 Stoelker, and I spoke with Mr. Tim Hale, Mr. Wesley Mayder's new counsel by telephone on May
 24 13, 2008 as well. Mr. Hale agreed to stipulate to shortening time, but Verigy was forced to bring
 25 this motion because Mr. Pasquinelli would not agree.

26 7. Verigy requested that Defendants withdraw the Second Set of Requests, but
 27 Defendants have refused to do so. Mr. Pasquinelli informed me that the requests would only be
 28 withdrawn if Verigy paid his clients' attorneys' fees for bringing Defendants' motion to compel as

well as for drafting a proposed stipulation regarding the motion to compel, and Verigy was unwilling to do so. Verigy offered to make other stipulations, but Defendants were not willing to negotiate.

4 8. To the best of my knowledge, information and belief, the previous time
5 modifications in this action are as follows : (a) three stipulated modifications to the briefing
6 schedule for Verigy's motion for a preliminary injunction on September 6, 2007, September 11,
7 2007, and October 30, 2007; (b) the briefing schedule for Verigy's Motion to Compel was
8 shortened by stipulation on October 3, 2007; and (c) the briefing schedule for Defendants' Motion
9 to Compel was extended by stipulation and the hearing was reset for June 10, 2008, the same
10 hearing date sought in Verigy's motion to shorten time.

11 9. Verigy's request to shorten time for hearing its motion for a protective order would
12 not affect the Court's procedural schedule for this case.

13 10. As discussed above, I have complied Rule 37 of the Federal Rules of Civil
14 Procedure and Rule 37-1 of the Local Rules.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct and that this declaration was executed this 13th day of May, 2008 at
17 San Jose, California.

/s/
Melinda M. Morton